

University of California Police Department Berkeley



Complaint Investigation: Report of Findings # 15-249

Complainant:

Subject: Olaf Lopez

Investigator: Detective John Kelly

Date Submitted:

Resubmitted:

On 11/4/2015, Officer [REDACTED] Lopez #434 and [REDACTED] were on duty at 0700 hours. Officer Lopez was on his final day of field training in the shadow phase. At UC Merced, the shadow phase is described as the trainee in full uniform being "shadowed" by his [REDACTED] who is in plain clothes and who primarily observes the trainees actions.

Both Lopez and [REDACTED] were tending to alarm issues at Kulligan Library at approximately 0700-0730 hours. Apparently, the library was having fire alarm issues and it caused continuous interruptions throughout the business day. Sometime around 0753 hours, at the COB building directly west of the library, an assault was occurring with a suspect armed with a knife. The suspect had stabbed a victim in room [REDACTED] and was interrupted while exiting that room by a contractor who heard the assault taking place. As the contractor attempted to ascertain what was happening in room [REDACTED], [REDACTED] was also stabbed by the same suspect.

The suspect fled the building via the stairwell towards Scholars Lane and immediately attacked to other victims, severely injuring them. UC Merced dispatch provided a partial description that was heard by Lopez and [REDACTED]. The suspect described was male and wearing a green jacket and committed a stabbing. Both Lopez and [REDACTED] observed the suspect running west bound through the lane towards the bridge west of the library. Both officers gave chase, quickly closing the gap. The suspect became aware of the officers presence and according to both officers statements, looked over his shoulder as they were giving the suspect orders to either get on the ground, drop the knife, or something to that effect. The suspect then turned and faced the officers, and according to Lopez, had a large knife in his right hand. Lopez stated that the suspect raised the knife in a threatening manner and refused orders to drop the knife. Lopez stated that in fear for his life and the life of his partner, he pulled his department issued Sig Sauer .40 caliber firearm, loaded with departmental issued ammunition and fired one round at the suspect from a distance of about 10-15 feet, according to both officers. According to Lopez, the suspect did not stop advancing on the officers, and still fearing for the safety of his partner and himself, fired another round at the suspect, hitting the suspect and causing the suspect to collapse on the bridge.

Lopez and [REDACTED] immediately handcuffed the suspect and secured the scene. The officers requested code 3 medical for the suspect and advised dispatch of shots fired. The suspect was pronounced via paramedics on scene.

This is a summary of statements given to the Merced County Sheriffs Department on 11/4/2015.

On 11/5/2015 at 1420 hours, Lt. McNiff (UC San Francisco) and myself conducted an administrative interview with Officer Lopez regarding the incident. This interview was conducted at the UC Merced Police Department and was recorded. Also present was Christina Petricca from the Mastagni Holstedt Law Firm. Petricca was representing Lopez. Petricca also stated that she was comfortable with us speaking with her clients but did insist on ground rules for the interview. Petricca stated that she did not want to rehash the entire incident as it was a very traumatic incident. Petricca made the original voluntary statement given by Lopez and [REDACTED] to the Merced Sheriffs available to us. Lopez was given his Lybarger admonishment and signed the admonishment.

During this interview, I was able to ask Lopez pertinent questions regarding departmental policies regarding the use of a firearm, qualifications for use of a firearm and the firearm used in the incident.

In regards to the Use of Force Policy #300, Lopez used deadly force to prevent great bodily injury and possibly death to himself and/or his partner, Officer [REDACTED] by use of his departmental issued Sig Sauer .40 caliber P226 loaded with department issued ammunition. Lopez, according to his statement, initially fired one round at the suspect from between 10-15 feet to stop the advance of the suspect armed with a large knife, which was held in his right hand over his head in what appeared to be a menacing manner. Lopez reassessed the suspect, stating that the initial shot had little effect on the suspect and continued to advance towards Lopez. Lopez fired one additional round at the suspect, causing the suspect to drop to the ground.

In accordance with Policy #310.4.1 (b), Lopez immediately advised dispatch to start "Riggs" code 3. Riggs is the local ambulance commonly used in the Merced area. Lopez and [REDACTED] immediately secured the scene, requested additional units via dispatch and advised that shots were fired, a suspect was down, and that the suspect was secured in handcuffs.

On 11/5/15 at 1456 hours, Lt. McNiff (UC San Francisco) and myself conducted an administrative interview with Officer [REDACTED] regarding the incident. This

interview was conducted at the UC Merced Police Department and was recorded. Also present was Christina Petricca from the Mastagni Holstedt Law Firm. Petricca was representing [REDACTED]. [REDACTED] was given his Lybarger admonishment and signed the admonishment. [REDACTED] was advised that he was a witness regarding the incident.

[REDACTED] advised us that he was Lopez' field training officer at the time of the incident. He advised us that he was in plain clothes as per the "shadow" phase of field training. He advised that Lopez was on his final day of field training. He advised that he was working on an alarm at the Kulligan library. He stated that shortly after working on the alarms, emergency traffic was transmitted regarding a suspect responsible for a stabbing. He also stated that the suspect was observed by both Lopez and himself running west on Scholars Lane. He stated that they both gave chase on foot and advised dispatch of their observations. He stated that when they caught up with the suspect on the bridge, the suspect advanced towards both officers. [REDACTED] stated that he observed a large knife in the suspect's hand and feared for his and Lopez's safety. [REDACTED] stated that he did not have his departmental issued firearm on his person. He stated that Lopez fired his weapon two times, causing the suspect to fall to the ground. He also stated that he was unable to broadcast on his radio but did hear Lopez advise dispatch of the incident and requested medical assistance for the suspect.